THE
MYSORE GAZETTE.
Published by Authority.

BANGALORE, SATURDAY, SEPTEMBER 29, 1883.

PART IV.

Official Papers.

DRAFT

OF

A Regulation to amend the Law relating to the administration of Local Funds in the Territories of Mysore.

WHEREAS it is expedient to amend the law relating to, and to make better provision for, the administration of Local Funds in the Territories of Mysore, His Highness the Maharaja is pleased to enact as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

Section 1.—(1). This Regulation may be cited "The Mysore Local Funds Regulation, 1884."

Short title.

(2). It extends to the whole of the Territories of Mysore.

Local extent.

But nothing herein contained shall be deemed to affect the powers of a Municipal Board, or to confer any powers upon a Local Board within a Municipality.

(3). It shall come into force on the first day of April 1884.

Commencement.

Section 2.—In this Regulation, unless there be something repugnant to the subject or context :—

Definitions.

"Municipality" means a local area constituted a Municipality, and "Municipal Board" means the Board charged with the administration of the municipal affairs of such local area, in accordance with any law for the time being in force in Mysore.

"Local Cess" means any cess falling within the description of Clauses (1) and (2) of Section 39 of this Regulation.

A "Rate-payer" means any person who pays on his own account, any such cess in respect of property situate within the local area subject to the authority of a Local Board.

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"District" includes the Sub-Division of a District administered for the time being by a Sub-Division Officer.

"Deputy Commissioner" includes the Officer in charge of the Sub-Division of a District.

"Taluk" includes the Sub-division of a Taluk for the time being in the charge of a Deputy Amildar.

"Amildar" includes a Deputy Amildar.

"Official year" means the period from the 31st March of one calendar year to the 31st March of the next calendar year.

"Government" means the Government of His Highness the Maharaja of Mysore.

Any word or expression which is defined in the "Mysore Land Revenue Regulation, 1884" and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Regulation.

CHAPTER II.

CONSTITUTION OF LOCAL BOARDS.

Establishment of Local Boards.

Section 3.—For the administration of Local Funds a Local Board shall be established in every District and in every Taluk of every District.

Jurisdiction of Local Boards.

Section 4.—For the purposes of this Regulation, each Taluk Local Board shall have authority over the entire Taluk, and each District Local Board over the entire District, for which they are respectively established. Every Taluk Local Board shall be subordinate to the District Local Board of the District in which such Taluk is situated.

Members of Taluk Local Boards.

Section 5.—Every Taluk Local Board shall consist of—

(*a*) such *Ex-officio* members, if any, not exceeding in number one-third of the Board as the Government may, from time to time, declare to be members in virtue of their office; and

(*b*) such other members as may be either appointed by the Government or elected by rate-payers.

Power to Government to make rules regarding election.

Section 6.—(1). The Government may, by a notification in the official Gazette, direct that the members of any Taluk Local Board other than the *Ex-officio* members referred to in Clause (*a*) of Section 5 shall be elective, and shall make rules for regulating their election. Such rules may provide for—

(*a*) the division of the Taluk into circles, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each circle or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

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(2). The Government may, from time to time, amend the rules made under this Section, but any amendment made under this Sub-Section shall not take effect until six months after it has been published in the official Gazette.

Section 7.—Every District Local Board shall consist of—

Members of District Local Boards.

(*a*) such *Ex-officio* members, if any, not exceeding in number one-third of the Board as the Government may, from time to time, declare to be members in virtue of their office; and

(*b*) three members of every Taluk Local Board in the District elected by such Board from among its own members other than the *Ex-officio* members.

Section 8.—No person who is not a rate-payer and no person convicted of any non-bailable offence, or of well-known bad character, shall be appointed or elected a member of any Local Board.

Disqualifications.

Section 9.—(1). The term of office of an appointed or elected member of a Taluk Local Board shall, subject to the provisions of Sections 10, 11, and 12 of this Regulation, be three years.

Term of office of member of Board.

(2). The term of office of an elected member of a District Local Board shall be his term of office as a member of the Taluk Local Board by the members of which he has been elected.

(3). An outgoing appointed or elected member shall, if otherwise qualified, be eligible for re-appointment or re-election.

Section 10.—An appointed or elected member of a Local Board may resign by notifying in writing to the Government or to such officer as the Government appoints in this behalf, his intention to do so, and, on his resignation being accepted by or on behalf of the Government, or on the expiry of two months from the date of his notifying his intention to resign, he shall be deemed to have vacated his office.

Resignation of member of Board.

Section 11.—The Government may, from time to time, remove any appointed or elected member of a Local Board who ceases to be a rate-payer, or refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a criminal court to any such order, as implies, in the opinion of the Government, a defect of character which unfits him to be a member, or who, without sufficient excuse, neglects to be present at three consecutive meetings of the Board.

Removal of member.

Section 12.—If any appointed or elected member of a Local Board is appointed to a salaried office under the Board, he shall forthwith cease to be a member:

Member to vacate on appointment to salaried office.

Provided that—

(*a*) if the Board allots a salary to its President, he shall not for that reason cease to be a member; and

(*b*) travelling allowance granted under Section 34 to a member of a Local Board shall not be deemed to be a salary within the meaning of this Section.

Section 13.—(1). When the place of an elected member of a Local Board becomes vacant by the resignation or removal of the member under Section 10 or Section 11, or by reason of his appointment to a salaried office

Filling of casual vacancies.

under Section 12, or by his death, a new member shall be elected, in manner prescribed, to fill the place.

(2). When the place of an appointed member of a Local Board becomes vacant as aforesaid, the Government may, if it thinks fit, appoint a new member to fill the place.

(3). A person appointed or elected under this Section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be eligible for re-appointment or re-election, if otherwise qualified.

Incorporation of Local Board.

Section 14.—Every Local Board shall be a body corporate by the name of "The Taluk Local Board" or "The District Local Board" as the case may be, shall have perpetual succession and a common seal, with power, subject to the provisions of this Regulation, to acquire and hold property, both movable and immovable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of the discharge of its duty and may sue and be sued in its corporate name:

Provided that a Board shall not purchase or transfer any immovable property except in pursuance of a resolution passed at a special meeting and approved by the Government.

Time for Boards coming into existence.

Section 15.—A Local Board shall come into existence at such time as the Government may, by notification in the official Gazette, appoint in this behalf.

Consequences of establishment of Local Board.

Section 16.—When a Local Board comes into existence under Section 15 for any local area, the following consequences shall ensue, namely:—

(*a*) the Rules published in the Chief Commissioner's Notification No. 110, dated the 4th July 1874, shall cease to apply to such local area, but not so as to render invalid any thing done in accordance with it;

(*b*) the District Committee constituted under the aforesaid Rules shall cease to exercise any powers conferred, or perform any duties imposed, upon it by the aforementioned Rules within such local area;

(*c*) all property vested in the Government appertaining to any roads, schools, hospitals, dispensaries, tanks, wells, and all other institutions committed to the management of the said committee under the aforementioned Rules, shall vest in the said Local Board for the purposes of this Regulation, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property.

It shall be competent to the Government, from time to time, to direct whether any such property as aforesaid shall vest in the District Local Board or in the Taluk Local Board having authority over such local area, and any such direction of the Government shall be conclusive;

(*d*) all debts and obligations incurred, whether on account of advances made by the Government to the said committees or otherwise, all contracts entered into and all matters and things engaged to be done by, with, or for the said committee in respect of such local area, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the said Local Board;

(*e*) all sums due to the said committee shall be deemed to be due to the said Local Board.

(*f*) all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Regulation, have been instituted by or against the said committee, may be continued or instituted by or against the said Local Board;

(*g*) all rules or orders made under the aforesaid Rules, and all other rules, if any, in force and relating to any of the matters hereinafter dealt with, shall, so far as they are consistent with this Regulation, be deemed to have been made hereunder.

Power to vest property in Board.

Section 17.—The Government may, from time to time, by a notification in the official Gazette, direct that any property, movable or immovable, which is vested in the Government and which is situate in any local area under the authority of any Local Board, shall vest in such Local Board; and thereupon the property shall vest in such Board for the purposes of this Regulation, subject to all rights, if any, existing over, and all debts, liabilities and obligations, if any, affecting, the property.

Distribution of existing liabilities.

Section 18.—It shall be competent to the Government, from time to time, to direct whether the liability for any such debt or other obligation or any such contract, matter or thing as is described in Section 16, Clause (*d*), shall fall on the District Local Board or Taluk Local Board having authority in the local area in which such debt or other obligation was incurred, or such contract entered into or such matter or thing engaged to be done, or upon both, in such proportion as the Government may determine; and such direction of the Government shall be binding upon such Local Boards.

PRESIDENT.

President of Local Board.

Section 19.—The Amildar of a Taluk for the time being shall be the President *Ex-officio* of the Taluk Local Board of his Taluk.

The Deputy Commissioner for the time being shall be the President *Ex-officio* of the District Local Board of his District.

Notwithstanding anything herein contained, the Government shall have power to appoint any member of a Local Board its President.

Election of President.

Section 20.—The Government may, in its discretion, suspend, from a day to be specified, the operation of the last preceding Section as regards any Local Board, and direct such Local Board to elect a President from among its members at a special meeting, and upon such direction the Local Board shall elect its President accordingly.

Term of office of President.

Section 21.—The term of office of an elected or appointed President shall cease on the expiry of his term of office as a member of the Local Board for which he is elected or appointed.

An elected or appointed President shall be removable from office as such President for misconduct, neglect of, or incapacity to perform, his duty, either by resolution passed at a special meeting of the Board which elected him President, or if he was appointed President, by order of the Government.

Allowance to President.

Section 22.—An *Ex-officio* President shall not be entitled to any allowance in virtue of the office of President. But a Local Board may grant such allowance as it thinks fit to an appointed or elected President subject to the general orders of the Government in this behalf.

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Casual vacancies in office of President.

Section 23.—If a President elected by a Local Board dies, ceases to be a member of the Board, resigns his office, becomes incapable of acting or is removed from his office, the Board shall, at a special meeting, elect another of its members to be President.

(2). If a President appointed by Government dies, ceases to be a member of the Board, resigns his office, becomes incapable of acting or is removed from his office, the Government shall appoint another President.

(3). A person elected or appointed under this Section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office and then shall go out of office, but may be again elected or appointed, if otherwise qualified.

Notification of appointments.

Section 24.—All elections, appointments and removals of Presidents and members of Local Boards shall be notified in the official Gazette.

President, the executive officer.

Section 25.—The President of every Local Board shall be the executive officer of such Board. He shall conduct its correspondence and shall exercise the powers conferred, and execute the duties imposed, upon such Board under the provisions of this Regulation, in accordance with the special resolutions or general directions of such Board.

CONDUCT OF BUSINESS.

Time for holding meetings.

Section 26.—(1). A Taluk Local Board shall, at least once in two months, and a District Local Board shall, at least once in six months, meet for the transaction of business on such day and at such place as may, from time to time, be fixed by the rules made under Section 35.

(2). The President may, whenever he thinks fit, and shall, on the requisition made in writing by not less than one-third of the members of any Local Board, call a meeting at any other time.

Ordinary and special meetings.

Section 27.—(1). A meeting of a Local Board shall be either ordinary or special.

(2). All matters of business, other than those required by this Regulation or the rules made under it to be transacted at a special meeting, may be transacted at an ordinary meeting.

Chairman of meeting.

Section 28.—(1). At every meeting of a Local Board the President, if present, shall preside as Chairman.

(2). If, when any meeting is held, the office of the President is vacant, or the President is absent from the meeting, the members present shall elect one of their number to be the Chairman of the meeting.

Quorum.

Section 29.—(1). The quorum necessary for the transaction of business at a special meeting of a Local Board shall be one-half of the whole Board:

Provided that, when the Board consists of less than six members, the quorum shall be three.

(2). The quorum necessary for the transaction of business at an ordinary meeting of a Local Board shall be such number, not less than three, as may, from time to time, be fixed by the rules made under Section 35:

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Provided that, if, at any meeting of the Board, a quorum is not present, the Chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought bef re the original meeting if there had been a quorum present, shall be brought before, and transacted by, the adjourned meeting whether there is a quorum present thereat or not.

Vote of majority decisive.

Section 30.—(1). Except as otherwise provided by this Regulation or by any rule made under this Regulation, all questions coming before any meeting of a Local Board shall be decided by a majority of the votes of the members present.

(2). In case of an equality of votes, the Chairman at the meeting shall have a second or casting vote.

Vacancy not to affect Board's proceedings.

Section 31.—During any vacancy in any Local Board, the continuing members may act as if no vacancy had occurred.

Resolutions to be recorded and published.

Section 32.—(1). Every resolution passed by a Local Board at a meeting shall be recorded in Canarese in a book to be kept for the purpose, shall be signed by the Chairman of the meeting or of the next ensuing meeting and shall be open at office hours at the Local Board Office for the inspection of any person applying to inspect the same.

The Government may direct that the resolution of any Local Board shall be published in some local English or Vernacular newspaper or in the official Gazette.

(2). Copies of all resolutions of a Taluk Local Board shall be submitted to the President of the District Local Board, for being laid before the District Local Board at its next meeting, as well as to the Deputy Commissioner of the District, if he is not the President of the District Local Board.

Copies of all resolutions of a District Local Board shall be submitted by the President to the Government direct or, if the Deputy Commissioner is not the President of the District Local Board, through the Deputy Commissioner.

Language of Board.

Section 33.—The discussions and proceedings of a Taluk Local Board shall be conducted and recorded in Canarese, and those of a District Local Board either in English or Canarese, as the District Local Board at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings in a District Local Board are conducted and recorded in English, the Board shall provide for interpreting and translating them into Canarese for the benefit of members who do not understand English.

Travelling Allowance to members of Boards.

Section 34.—Appointed or elected members of Local Boards travelling to any place more than five miles distant from their villages for the purpose of attending any meetings held under the provisions of this Regulation, shall be entitled to be paid out of the Local Funds such travelling allowance as may, from time to time, be prescribed by Government.

Power to make rules as to conduct of business.

Section 35.—(1.) Every District Local Board and, with the previous sanction of such Board, every Taluk Local Board may, from time to time, at a special meeting, make rules consistent with this Regulation as to—

(*a*) the time and place of its meetings;
(*b*) the manner in which notice thereof is to be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings ;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings ;

(*e*) the appointment of committees of the Board and the division of duties among them or among individual members of the Board;

(*f*) the persons by whom receipts may be granted on behalf of the Board for money paid under this Regulation ; and

(*g*) any other similar matters.

(2). Rules made under this Section shall be in accordance with the general orders of the Government in this behalf, and shall not take effect until they have been confirmed by the Government and published in the official Gazette.

OFFICERS AND SERVANTS.

Employment of officers and servants.

Section 36.—A Local Board may employ such officers and servants as may be necessary or proper for the efficient execution of its duties under, and subject to, the other provisions of this Regulation.

Power to Government to fix a scale of establishment and remuneration of officials.

Section 37.—(1.) The Government may prescribe the number and remuneration of officers and servants to be employed by each Local Board and may also prescribe rules regarding the qualifications requisite in the case of persons appointed to offices requiring professional skill.

(2). If a Local Board shall take the loan of an officer of the Government for employment under it for the purposes of this Regulation, it shall be bound by the conditions under which such officer shall have been lent regarding any contributions on account of his leave allowances, pension and gratuity.

CONTRACTS AND TRANSFERS OF PROPERTY.

Mode of executing contracts and transfers.

Section 38.—(1). The President of a Local Board may, on behalf of the Board, enter into any contract or agreement in such form and in such manner as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf : Provided that the amount or value of such contract shall not exceed fifty rupees in the case of a Taluk Local Board and rupees two-hundred in the case of a District Local Board.

(2). When a contract made by or on behalf of a Local Board exceeds in value or amount the sum of money specified respectively in Sub-Section (1), it must be in writing, and must be signed by the President and at least one other member of the Board.

(3). A transfer of immovable property belonging to the Board must be made by an instrument in writing, executed by the President and by at least two members of the Board.

(4). If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this Section, it shall not be binding on the Board.

CHAPTER III.

TAXATION AND FUNDS.

Taxation.

Taxation.

Section 39.—It shall be lawful for the Government to levy for the purposes of this Regulation, in accordance with the rules hereinafter contained, in any District, all or any one or more of the following cesses and tolls, that is to say;—

(1). a cess not exceeding one anna on every rupee that is assessed to the ordinary Land revenue, or that would have been so assessable had there been no alienation of such revenue;

(2). a cess not exceeding one anna on every rupee of the Government Halat revenue levied on areca-nut;

(3). a cess not exceeding one anna on every rupee of Government Excise revenue derived under the Excise Act X of 1871;

(4). tolls upon carriages, carts and animals passing along any road or bridge in manner hereinafter provided;

(5). tolls upon all persons, animals, vehicles and other things using a public ferry in manner hereinafter provided.

Rules to be observed in assessing the cess on alienated villages.

Section 40.—In assessing the cess referred to in Clause (1) of the foregoing Section on alienated villages, the following rules shall be adopted:—

(1). If the village has been surveyed and assessed on the principles laid down in (Bombay) Act I of 1865, or "the Mysore Land Revenue Regulation, 1884," the cess shall be fixed on the total annual assessment of the village as ascertained by the survey officers.

(2). If the village has come under Inam settlement in accordance with the Mysore Land Inam Rules, the cess shall be fixed, until the village is brought under the preceding rule, on the total annual assessment as ascertained for the purposes of Inam settlement.

Recovery of cess from inferior holders.

Section. 41.—The provisions of the law relative to the assistance to be given to superior holders for the recovery of rent or land revenue from inferior holders or co-sharers shall be applicable to all superior holders in respect of the recovery of this cess from inferior holders or co-sharers.

Tolls to be levied on carriages, carts and animals entering roads, bridges, &c.

Section 42.—It shall be lawful for the Government, by notification in the official Gazette, to declare that tolls not exceeding the rates mentioned in Schedule A annexed to this Regulation shall be levied upon all carriages, carts and animals passing along any road or bridge within any District specified in such notification. The Deputy Commissioner of such District may thereupon construct toll-bars, gates and gate-keeper's stations at such places as the Government may sanction, and may place the collection of such tolls under the management of such persons as may appear to him proper: Provided that no more than one payment of toll shall be demanded for and in respect of any carriage, cart or animal in any one period of 24 hours counted from midnight to midnight.

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In case of non-payment of tolls, vehicle, &c. may be seized.

Section 43.—In case of non-payment of any such toll on demand, the officer or other person appointed or duly authorized to collect the same may seize any carriage, cart or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Deputy Commissioner or other Revenue officer authorized by him in that behalf, may sell the property seized, for discharge of the toll and of all expenses occasioned by such non-payment, seizure, custody and sale. Any balance that may remain shall be returned, on demand, if made within six months, to the owner of the property, and, if unclaimed after such period, shall be credited to the Local Fund. After seizure of the property as aforesaid, the Deputy Commissioner or other officer authorized as aforesaid shall forthwith issue a notice that, after the expiration of two days, he will sell, at such place as may be stated in the notice, the property by auction: Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender to the officer empowered to sell the property the amount of all expenses incurred and of the toll payable by him, the property seized shall forthwith be released.

Troops, Military Stores, Police, &c, exempt from toll.

Section 44.—No tolls upon any road or bridge shall be levied for the passage of troops on their march, or of Military or Government stores and equipages, or of Military or Police officers on duty, or of any person or property in their custody; but no other exemption from payment of the tolls levied under this Regulation shall be allowed, except as provided in Sections 50 and 51.

Power to declare, establish, define and discontinue public ferries.

Section 45.—The Government may, from time to time, by notification in the official Gazette;

(*a*) declare what ferries shall be deemed public ferries;

(*b*) establish new public ferries where in its opinion they are needed;

(*c*) define the limits of any public ferry; and

(*d*) discontinue any existing public ferry which it deems unnecessary.

Power to make rules.

Section 46.—The Government may, from time to time, make rules consistent with this Regulation—

(*a*) for the control and management of all public ferries and for regulating the traffic at such ferries;

(*b*) for regulating the time and manner at, and in which, the terms on which and the person by whom the tolls on such ferries may be let by auction;

(*c*) for compensating persons who have compounded for tolls payable for the use of such ferry, when such ferry has been discontinued before the expiration of the period compounded for, and generally to carry out the provisions of this Regulation regarding ferries; and

(*d*) when the tolls of a ferry have been let under Section 52, and the traffic is conveyed in boats or rafts, for regulating—

(1). the number and kinds of such boats and rafts and their dimensions and equipments;

(2). the number of the crew to be kept by the lessee for each boat or raft;

(3). the maintenance of such boats or rafts continually in good condition;

(4). the hours during which, and the intervals within which, the lessee should be bound to ply, and

(5). the number of passengers, animals and vehicles, and the bulk and weight of other things that may be carried in each kind of boat or raft at one trip.

Superintendence of ferries vests in Deputy Commissioner.

Section 47.—The immediate superintendence of every public ferry shall be vested in the Deputy Commissioner of the District in which such ferry is situate who shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat: Provided that the Government may transfer any public ferry to the management of a District Local Board in which case such Board shall exercise all the powers conferred upon a Deputy Commissioner by Sections 47, 48, 50, 51, 53 and 54 of this Regulation.

Private ferry not to ply within two miles of public ferry without sanction.

Section 48.—No person shall, except with the sanction of the Deputy Commissioner, keep a ferry-boat for the purpose of plying for hire to or from any point within a distance of two miles from the limits of such public ferry:

Provided that, in the case of any specified public ferry, the Government may, by notification in the official Gazette, reduce or increase the said distance of two miles to such extent as it thinks fit;

Provided also that nothing hereinbefore contained shall prevent persons plying between two places, one of which is without, and one within, the said limits, when the distance between such two places is not less than three miles, or apply to boats which the Government expressly exempts from the operation of this Section.

Tolls.

Section 49.—Tolls, according to such rates as are from time to time fixed by the Government, shall be levied on all persons, animals, vehicles and other things crossing any river by a public ferry, and not employed or transmitted on the public service.

Power to Government to exempt persons, animals, vehicles, &c., from tolls.

Section 50.—The Government may, from time to time, declare that any persons, animals, vehicles and other things shall be exempt from the payment of any tolls on a public ferry, road or bridge.

Where the tolls on a public ferry, road or bridge have been let under Section 52, any such declaration, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of such tolls as may be fixed by the Deputy Commissioner of the District in which such public ferry, road or bridge is situate.

The Deputy Commissioner may compound with persons for a payment in lieu of tolls.

Section 51.—It shall be lawful for the Deputy Commissioner to compound with any person for a sum to be paid annually or half-yearly in lieu of all tolls payable on any public ferry, road or bridge under the provisions of this Regulation, either generally or in respect of all public ferries, roads and bridges within the District, or specially in respect of any particular ferry, road or bridge, and to issue licenses for carriages, carts or animals; and while such licenses shall remain in force, such carriages, carts or animals shall be exempt from all tolls as aforesaid either generally upon all public ferries, roads or bridges within such District or specially upon any particular ferry, road

or bridge as may be provided by the license: Provided always that such composition shall include all the carriages, carts and animals possessed by the person compounding.

Letting tolls by auction.

Section 52.—The tolls upon any public ferry, road or bridge, as the case may be, may be let by public auction for such period and on such terms as may be fixed by the Government. The lessee may be called upon by the officer conducting the auction to give such security for his good conduct and for the punctual payment of the rent as such officer thinks fit. The lessee shall conform to the rules made under this Regulation for the management and control of such ferry, road or bridge, and failure to conform to such rules shall render the lease liable to be cancelled.

Power to Government to cancel lease.

Section 53.—The Government may cancel the lease of the tolls on any public ferry, road or bridge on the expiration of six months after notice in writing given to the lessee of its intention to cancel such lease.

When any lease is cancelled under this Section, the Deputy Commissioner of the District in which such ferry, road or bridge is situate, shall pay to the lessee such compensation as such Deputy Commissioner may, with the previous sanction of Government, award.

Surrender of lease.

Section 54.—The lessee of the tolls on any public ferry, road or bridge may surrender his lease on the expiration of one month's notice in writing to the Government through the Deputy Commissioner of the District in which such ferry, road or bridge is situate, of his intention to surrender such lease and on payment to such Deputy Commissioner of such compensation as the Deputy Commissioner may, subject to the approval of Government, in each case direct.

Table of tolls to be exhibited.

Section 55.—A table of the tolls authorized to be levied at any toll-gate or station or public ferry, legibly written or painted in words and figures in English and Canarese, shall be put up in a conspicuous place near such gate or station or ferry.

Police to assist toll-collectors.

Section 56.—In all cases of resistance to the lawful authority of the toll-collectors, all Police officers shall be bound to assist the toll-collectors, when required, and, for that purpose, shall have the same power which they have in the exercise of their ordinary Police duties.

Penalties on passengers offending.

Section 57.—Every person passing along any road or bridge, or crossing by any public ferry, who refuses to pay the proper toll, and every person—

who, with intent to avoid payment of such toll, fraudulently or forcibly passes along or crosses, by any such road, bridge or ferry without paying the toll, or

who, in any way, obstructs any toll-collector or lessee of the tolls on a road, bridge or public ferry, or any of his assistants in the execution of their duty under this Regulation, or

who, after being warned by any such toll-collector, lessee or assistant not to do so, goes or takes any animals, vehicles or other things, into any ferry-boat which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave or remove any animals, vehicles or goods from any such ferry-boat, on being requested by such toll-collector, lessee or assistant to do so,

shall be punished with fine which may extend to fifty rupees.

Cesses, tolls, &c., how leviable.

Section 58.—Notwithstanding anything herein contained, all cesses, tolls, fines, penalties and rents payable by lessees under this Regulation shall be leviable as arrears of land revenue.

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LOCAL FUNDS.

Local Funds where to be kept and what to consist.

Section 59.—There shall be formed in each District a fund which shall be called, "The Local Fund", and which shall be kept in the Government Treasury.

To it shall be credited,

(*a*) the net proceeds (after deducting the expenses of assessment and collection, if any, prescribed by Government) of the cesses levied under Section 39, Clauses (1), (2) and (3);

(*b*) the net proceeds (after deducting the expenses, if any, of collection) of the tolls described in Clauses (4) and (5) of Section 39, and all penalties and other sums levied in connection therewith under the provisions hereinbefore contained:

Provided that when a public ferry or a bridge is partly in one District and partly in another, the Government may assign to the Local Fund of each District such proportion of the net receipts therefrom as it shall think fit;

(*c*) surplus receipts under Section 18 of the Cattle Trespass Act, 1871, on account of cattle pounds not situated within the limits of any Municipality;

(*d*) sums received by Local Boards in execution of this Regulation; and

(*e*) sums contributed to the fund by the Government or by private persons.

Local Fund by what Boards to be expended.

Section 60.—The Local Fund of a District shall be available for expenditure for any of the purposes of this Regulation as follows, namely:—

1*stly*.—By or under the direction of each Taluk Local Board,

(1). such proportion not less than one-half, as may, from time to time, be prescribed by Government, of the revenue derived from the cesses described in Clauses (1) and (2) of Section 39 levied in the local area under its authority;

(2). the whole of the sums described in Clause (*c*) of Section 59 realized in the local area under its authority;

(3). all sums contributed by Government or by private persons for expenditure by such Board within the said area; and

(4). all sums described in Clause (*d*) of Section 59 received by it or on its account.

And 2*ndly*.—By or under the direction of the District Local Board,

the remaining portion of the Fund described in Section 59.

How the Local Fund shall be drawn against.

Section 61.—No payment shall be made from the Government Treasury out of a Local Fund except upon a cheque signed by the President and two other members of the Local Board which requires such payment.

Payment of any sum in excess of fifty rupees shall be effected by a Local Board by means of a cheque signed as aforesaid and not in any other way.

Sums not exceeding fifty rupees may be paid by the President or by such officer as each Local Board appoints for this purpose, in cash; cheques for sums not in excess of three hundred rupees each, signed as aforesaid, being drawn, from time to time, to cover such payments.

CHAPTER IV.

DUTIES OF LOCAL BOARDS.

General Improvement and Education.

Section 62.—The following matters shall, subject to the provisions of this Regulation and to such rules not inconsistent with this Regulation as the Government may, from time to time, frame, be under the control and administration of the Local Boards within the areas under their respective authority :—

Matters to be administered by Local Boards.

(1). Under the control and administration of every Taluk Local Board ;

(*a*) the construction, repair, maintenance and improvement of local roads, country cart-tracks and other means of local communication : Provided that large works of the nature described in this clause, which are beyond the means at the disposal of a Taluk Local Board, may be undertaken by the District Local Board at its own cost, or the District Local Board may assist the Taluk Local Board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the Taluk Local Board or by private persons, or by both ;

(*b*) the establishment, maintenance and administration of elementary schools, hospitals, dispensaries, vaccination, markets, santés or periodical fairs, chattrams, and dharmasalas within the Taluk, and the construction and repair of buildings connected with such institutions ;

(*c*) the appointment of travelling dispensers of medicine during the prevalence of epidemic diseases within the Taluk ;

(*d*) the construction and repair of public wells, tanks and water-works within the Taluk and the supply of water from them and other sources, for purposes other than agricultural irrigation ;

(*e*) the planting and preservation of topes and avenue trees on public grounds within the Taluk, and the formation of fuel plantations and the conservancy of fuel preserves ;

(*f*) the maintenance, repair and management of any buildings or other property which vests in it and of any work which has been executed at its cost ;

(*g*) the construction, establishment, maintenance and carrying out of any other local works, institutions or measures within the Taluk likely to promote the health, comfort or convenience of the inhabitants of the Taluk.

(2). Under the control and administration of the District Local Board ;

(*a*) the construction, repair, maintenance and improvement of the main roads and other means of through communication in the District and Travellers' Bungalows connected therewith ;

(*b*) the management of such public ferries in the District as the Government may transfer to its management ;

(*c*) the undertaking of measures for promoting the health, comfort or convenience of the inhabitants in the District ;

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(*d*) the establishment and maintenance of relief and relief works in time of famine or scarcity; and

(*e*) the maintenance, repair and management of any building or other property which vests in it, and of any work which has been executed at its cost.

Appropriation of money set apart for educational purposes.

Section 63.—(1).—Every Taluk Local Board shall, out of the funds at its disposal, annually set apart, for educational purposes, such sum of money as may, from time to time, be fixed by Government, not less than one-fourth of the revenue derived from the cesses described in Clauses (1) and (2) of Section 39, levied within the taluk.

(2). The sum thus set apart shall be devoted by such Board,

(*a*) for maintaining such elementary schools as may be transferred to its management by Government;

(*b*) for establishing and maintaining such other elementary schools as it may deem fit to establish within the taluk; and

(*c*) for grants-in-aid of elementary schools within the taluk established and managed by private individuals.

(3). Government may, from time to time, prescribe rules for regulating the subjects to be taught at the elementary schools referred to in Clauses (*a*) and (*b*) of Sub-Section (2), the number and qualification of teachers to be employed in them, and their remuneration, wholly or partly, by fixed salaries or under a system of payment by results, and the conditions under which grants-in-aid of schools established and managed by private individuals shall be given.

Committee for management of elementary schools.

Section 64.—(1). For the direct management of any elementary school maintained by a Taluk Local Board, such Local Board may appoint a committee composed of persons selected out of the inhabitants of the villages in, or in the neighbourhood of, which such school is situated. Such selection shall be made in accordance with such rules as the Government may, from time to time, frame in this behalf.

(2). The Taluk Local Board may remove any member of the committee appointed under this Section, and may, from time to time, appoint additional members to such committee.

(3). A committee appointed under this Section shall be bound to carry out the instructions of the Taluk Local Board which appointed it, in so far as such instructions are not inconsistent with this Regulation or the rules framed by Government thereunder.

Powers of District Local Board.

Section 65.—All orders and resolutions of a District Local Board shall be binding upon every Taluk Local Board subordinate to it. At any meeting of a District Local Board, the subject of any resolution of, and budget estimates and accounts submitted by, any Taluk Local Board in the District, may be discussed and such resolutions passed thereupon as the District Local Board may deem fit.

A District Local Board may also advise and make suggestions to Taluk Local Boards in the District as to any measures for promoting the health, comfort or convenience of the population of the Taluk.

Power of District Local Board to suspend resolution of Taluk Local Board.

Section 66.—A District Local Board may, either on complaint made to it, or of its own motion, suspend the operation of any resolution of any Taluk Local Board within the District, pending the orders of the Government upon a representation made to it of the impropriety or inexpediency of such resolution.

District Local Boards may delegate duties.

Section 67.—It shall be lawful for every District Local Board to delegate to any Taluk Local Board subordinate to it any of the duties described in Sub-Section (2) of Section 62 in respect of any matter in which such Taluk Local Board may be interested, and upon the District Local Board paying the expenses necessary for the execution of such duty, the Taluk Local Board shall execute such duty in the same manner as if such duty had been imposed upon it under this Regulation.

Contribution by Local Boards.

Section 68.—Every Local Board shall contribute such portion as the Government shall, from year to year, prescribe, of the cost of maintenance of schools, roads, hospitals or other institutions in any Municipality situated within the local area subject to the authority of such Board, and of any scholarships which the Government may direct to be chargeable to the Local Fund of such District generally.

CHAPTER V.

CONTROL.

Control by Deputy Commissioner.

Section 69.—The Deputy Commissioner may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the District occupied by any Local Board, or any work in progress within those limits under the direction of any such Board ;

(*b*) call for and inspect any book or document in the possession or under the control of any such Board having authority within those limits ;

(*c*) require any such Board to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the Board as he may think fit to call for ; and

(*d*) record in writing, for the consideration of any such Board, any observations he may think proper in regard to the proceedings or duties of the Board.

Power to suspend action under Regulation.

Section 70.—(1). The Deputy Commissioner may, by order in writing, suspend within the limits of the District the execution of any resolution or order of a Local Board, or prohibit the doing within those limits of any act which is about to be done, or is being done in pursuance of or under cover of this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2). When a Deputy Commissioner makes any order under this Section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Government, which may thereupon rescind the order or direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

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Extraordinary powers of Deputy Commissioner in case of emergency.

Section 71.—(1). In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Local Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the Board.

(2). If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balances of the Board's funds to pay the expense, or as much thereof as is from time to time possible, from the appropriate balance in priority to any or all other charges against the same.

(3). The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers conferred upon him by this Section.

Powers to Government in case of default of Board.

Section 72.—(1). If at any time it appears to the Government that a Local Board has made default in performing any duty imposed on it by or under this or any other Regulation for the time being in force, the Government may, by order in writing, fix a period for the performance of that duty.

(2). If that duty is not performed within the period so fixed, the Government may appoint the Deputy Commissioner of the District to perform it and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the Local Board.

(3). If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the Government, may make an order directing the person having the custody of the balances of the Board's funds to pay the expense, or so much thereof as is from time to time possible, from the balance of the appropriate fund in priority to any or all other charges against the same.

Power to Government to supersede Board in case of incompetency, persistent default or excess or abuse of powers.

Section 73.—(1). If a Local Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other Regulation for the time being in force, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, declare that Board to be incompetent, or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2). When a Board is so superseded, the following consequences shall ensue :—

(*a*) all members of the Board shall, from the date of the order, vacate their offices as such members ;

(*b*) all powers and duties of the Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf; and

(*c*) all property vested in the Board shall, during the period of supersession, vest in the Government.

(3). On the expiration of the period of supersession specified in the order, the Board shall be re-constituted, and the persons who vacated their offices under Clause (*a*) shall not be deemed disqualified from being members.

Section 74.—In all matters connected with this Regulation, the Government shall have and exercise the same authority and control over the Deputy Commissioners and their subordinates as they have and exercise over them in the general and revenue administration.

Control of Government over officers.

ACCOUNTS, ANNUAL REPORTS AND BUDGET ESTIMATES.

Section 75.—Accounts of the receipts and expenditure of every Local Board shall be kept in such form as the Government, from time to time, prescribes; and they shall be submitted with all necessary vouchers to such officers and at such periods as the Government may direct. They shall be balanced annually at the end of every official year, and shall be audited by an officer appointed for the purpose by Government.

Keeping of accounts.

Section 76.—As soon after the 1st of April of every year as may be possible, Local Board shall hold a meeting at which the President shall place before it for consideration a report of the administration of the Local Funds under its administration with an account, in such form as the Government may prescribe, of the receipts and expenditure of the same for the past official year.

Annual reports and statements to be submitted.

A copy of such report and account and of the resolutions passed in regard to them shall be submitted by every Taluk Local Board to the District Local Board, as well as to the Deputy Commissioner of the District, if he is not the President of the District Local Board.

The District Local Board shall submit the annual reports and accounts of Taluk Local Boards, generalized for the whole District to the Government, with such observations as it might think fit to make. It shall also similarly submit to Government its own annual report and account.

Section 77.—To enable Local Boards to prepare annual budget estimates as hereinafter provided, the Deputy Commissioner shall annually render to every Local Board in his District on or before the 15th January of each year and in such form as the Government, from time to time, directs, a return setting forth, under each source from which the funds at the disposal of such Local Board are derived.

Return to be rendered of estimated income of Local Funds.

(*a*) the actual receipts in the last complete official year;

(*b*) the revised estimates of the receipts in the current official year; and

(*c*) a first estimate of the probable receipts in the next following official year.

Section 78.—Every Local Board shall hold a meeting at some time to be fixed by such Board on or before the 1st February of each year, at which the President shall place before it a budget estimate of the receipts and expenditure of the Board for the next succeeding official year in such form as the Government, from time to time, prescribes.

Annual estimates of receipts and expenditure.

Such Board may adopt, with or without modification, the budget estimate thus placed before it.

Section 79.—Every budget estimate adopted by a Taluk Local Board shall be forthwith submitted to the District Local Board to which it is subordinate.

Submission of estimates by Taluk Local Boards.

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Such District Local Board may—

(*a*) as often as it thinks fit, send back such estimate to the Taluk Local Board for revision; or

(*b*) sanction any estimate or revised estimate submitted to it with or without modification.

Supplementary estimates.

Section 80.—Every Local Board may, at any time during the year for which any budget estimate has been approved or sanctioned, cause supplementary estimates to be prepared. Every such supplementary estimate shall be considered and approved by the Local Board, and in case of a Taluk Local Board, submitted to the District Local Board for sanction in the same manner as if it were an original annual estimate.

Submission of estimates by District Local Boards.

Section 81.—Every District Local Board shall submit to the Government its own budget estimates and a general summary of the budget estimates of all the Taluk Local Boards subordinate to it.

Such budget estimates and general summary shall be submitted to Government before the 15th March next preceding the official year to which they relate; and if the Deputy Commissioner is not the President of the District Local Board, they shall be sent through the Deputy Commissioner.

The Government may pass on the estimates submitted to it under this Section and on accounts and reports submitted under Section 76, such orders as it thinks fit, which shall be binding upon all Local Boards:

Provided that the fact that the orders of Government have not been passed upon any estimates or general summary of estimates submitted to it under this Section, shall not prevent such estimates being brought into operation, pending the orders of Government.

Except on emergency, sums not provided in estimate not to be expended.

Section 82.—Except in case of pressing emergency, no sum shall be expended by or on behalf of any Local Board, unless such sum is included in some estimate at the time in force which has been approved or sanctioned as aforesaid.

If any sum is so expended on a pressing emergency, the circumstance shall forthwith be communicated to Government (through the District Local Board, if the sum has been expended by a Taluk Local Board), together with an explanation of the way in which it is proposed by the Local Board to cover such extra expenditure.

Provision as to existing budget estimates.

Section 83.—Every budget or estimate framed by, or binding upon, the District Committee constituted under the Rules published with the Chief Commissioner's Notification No. 110, dated 4th July 1874, and in force on the date on which the Local Board constituted under this Regulation comes into existence for each District, shall be deemed to have been duly prepared and sanctioned under this Regulation so far as it relates to the period which intervenes between the date aforesaid and the 31st day of March next following that date.

If any such budget or estimate would, but for the passing of this Regulation, have force after the said 31st day of March, the Local Board having authority over the local area in which it would so have force, may set it aside as from that date: Provided that works in progress on the said date under any such estimate shall not be discontinued except with the sanction of Government.

CHAPTER VI.

EXECUTION OF WORKS.

Section 84.—Local Boards shall cause the construction and repair of all buildings, roads, bridges, tanks, water-works and channels, undertaken by them in accordance with this Regulation, to be executed by the Government Public Works Department.

Section 85.—The Executive Engineer of the District, or such other officer as the Government appoints in this behalf, shall prepare, at the requisition of every Local Board, plans, specifications and estimates of works proposed.

Such plans, specifications and estimates shall be sanctioned by proper authority in accordance with the standing orders of the Government relating to public works undertaken by the Government.

Upon such sanction, the plans, specifications and estimates shall be forwarded to the Local Board on whose requisition they were prepared.

Such Local Board may thereupon cause the works to be executed by the Public Works Department placing the requisite funds at the disposal of that Department.

Section 86.—The Local Board shall have power, either through its President or one of its members, or one of its officers specially deputed for the purpose, to inspect the works while in progress and offer suggestions calculated to ensure their efficient execution or to economize expenditure upon them.

The officers of the Public Works Department in immediate charge of such works shall be bound to receive and consider those suggestions, and, when they involve alterations of sanctioned plans, specifications and estimates, to seek instructions from the officers authorized to sanction such alterations.

Section 87.—When the Public Works Department decide to execute a work required by a Local Board, by means of contractors, the co-operation of the Local Board ordering the execution of such work shall be invited, and, where possible, either the entire contracts or rates for work to be executed shall be put up to public competition.

Section 88.—No payment shall be made for any work done for any Local Board except upon a certificate of its proper execution, in accordance with sanctioned plans and specifications signed by the Executive Engineer of the District or other officer appointed by him.

CHAPTER VII.

IRRIGATION.

Levy of cesses for purposes of Irrigation.

Section 89.—For the purpose of forming a fund for purposes of irrigation, it shall be lawful for the Government to levy, in accordance with the rules hereinafter contained, the following cesses, that is to say :—

(1). In the Taluks and portions of Taluks, specified in Schedule B appended to this Regulation, a cess not exceeding one anna in every rupee that is assessed to the ordinary Land revenue on all wet lands, or would have been so assessable on such lands had there been no alienation of such revenue; and

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(2). In the Taluks and portions of Taluks not specified in Schedule B appended to this Regulation, a cess not exceeding one-seventeenth of the ordinary Land revenue which, had there been no alienation of such revenue, would have been assessable on all alienated wet lands, whether situated in alienated or unalienated villages.

Section 90.—On the 1st day of April 1884, there shall be formed a fund to be called "The Provincial Irrigation Fund." To it shall be credited—

Provincial Irrigation Fund what to consist.

(1). All unexpended balances remaining on the date aforesaid at the credit of the various "District Irrigation Funds" constituted in accordance with the Rules contained in the Chief Commissioner's Notifications Nos. 198 and 341, dated respectively the 9th February 1870 and 11th February 1875;

(2). The net proceeds (after deducting the expenses of assessment and collection, if any, prescribed by Government) of the cesses described in Clauses (1) and (2) of the last preceding Section;

(3). Such sums as the Government may, from time to time, fix as the contribution payable towards the fund in question on account of unalienated wet lands situated in Taluks and portions of Taluks not specified in Schedule B appended to this Regulation; and

(4). Any sums which may, at the close of any official year, remain unexpended out of portions of the fund in question, entrusted to District Local Boards in accordance with Section 91.

Section 91.—(1) "The Provincial Irrigation Fund" shall be devoted exclusively for the repair, improvement and re-construction of works of irrigation, in accordance with such rules as may, from time to time, be prescribed by Government in this behalf.

The Provincial Irrigation Fund, how to be spent.

(2). The Government shall, from time to time, fix the portion of the "Provincial Irrigation Fund" which shall be available for expenditure in each official year within each District.

(3). The Government may direct that the portion of the "Provincial irrigation Fund" available as per Sub-Section (2) for expenditure in any District shall be entrusted to the District Local Board of that District for expenditure upon works of Irrigation within that District; and the Government may, from time to time, cancel any such direction.

(4). When any portion of the "Provincial Irrigation Fund" is entrusted to a District Local Board in accordance with Sub-Section (3), it shall be expended by such Board upon works of irrigation in accordance with Sub-Section (1) and the rules made thereunder, and subject to such additional rules as Government may, from time to time, frame for the guidance of District Local Boards in this behalf.

(5). The portion of the "Provincial Irrigation Fund" entrusted to a District Local Board shall be subject, as regards custody, payment, account, audit, report, estimates, and execution of works, to such provisions of this Regulation and the rules made thereunder, as are applicable to "Local Fund," but it shall, in every respect, be treated as a distinct fund separate from the "Local Fund."

CHAPTER VIII.

MISCELLANEOUS.

Section 92.—If any member, officer or servant of a Board is, otherwise than with the permission in writing of the Government, directly or indirectly interested in any contract made with the Board, he shall be deemed to have committed an offence under Section 168 of the Indian Penal Code:

Penalty on member, officer or servant of Board being interested in contract made with Board.

Provided that no person shall, by reason of being a share-holder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the Board.

Suits against Boards and their officers and servants.

Section 93.—In respect of every suit instituted against a Local Board or against any officer or servant of the Board in respect of an act purporting to be done by him in his official capacity, the Board, officer or servant shall have, as nearly as may be, all the privileges which a public officer has under Chapter XXVII of the Code of Civil Procedure.

Liability of members.

Section 94.—Except as hereinafter otherwise provided, no member of a Local Board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by or on behalf of such Board; the Local Fund at the disposal of each Local Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every member of a Local Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the Board or by the Government.

Acquisition of land under Act X of 1870.

Section 95.—Where any land, whether within or without the limits of a Taluk or District, is required for the purposes of a Local Board, the Government may, at the request of the Local Board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and on payment by the Board of the compensation awarded under that Act, the land shall vest in the Board.

Procedure for making rules under Sections 6, 46, 62, 63 and 91.

Section 96.—(1). The authority empowered to make rules under Sections 6, 46, 62, 63 and 91 shall, before making them, publish in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2). Every rule made under any of those Sections shall be published in the official Gazette in English and Canarese; and such publication shall be conclusive evidence that the rule has been made as required by this Section.

Every such rule shall be deemed to be part of this Regulation and shall have the force of law.

Prosecutions.

Section 97.—Prosecutions under this Regulation for infringement of rules may be instituted by the Local Board or any person authorized by it in this behalf and not otherwise.

Recovery of rents, &c.

Section 98.—All fees and all rents and other sums due on account of property for the time being vested in or managed by the Local Board, and all arrears of cesses imposed under this Regulation, may be recovered as if they were arrears of land revenue.

K. SHESHADRI IYER,
Dewan.

SCHEDULE A.—(Section 42).

Maximum Rates of Tolls payable on Carriages and Animals passing along Roads.

		Rs.	A.	P.
On every	4 wheeled carriage on springs..	0	8	0
do	2 do do do	0	4	0
do	Jatka, hackney on springs, or cart drawn by men, buffaloes bullocks, horses, ponies, asses, or mules, laden ..	0	4	0
do	do do not laden	0	2	0
do	Buffalo, or Bullock, laden	0	1	0
do	Horse, laden or ridden	0	2	0
do	do not laden or ridden	0	1	0
do	Pony or Ass, laden or ridden	0	1	0
do	Elephant	1	0	0
do	Camel	0	4	0

SCHEDULE B.—(Sections 89 and 90.)

1. The Bangalore Taluk, excepting the villages transferred to it from the late Devanhalli Taluk under the Dewan's Notification No. 147, dated 9th December 1882.
2. The Bidadi Hobli of the Closepet Taluk.
3. The Tumkur Taluk, excepting the villages transferred to it from the late Koratagere and Kadaba Taluks under the Dewan's Notification No. 136, dated 25th November 1882.
4. The Sira Taluk, excepting the villages transferred to it from the late Koratgere Taluk under the Dewan's Notification No. 136, dated 25th November 1882.
5. The villages of the Gubbi Taluk transferred to it from the Tumkur and Sira Taluks under the Dewan's Notification No. 136, dated 25th November 1882.
6. The villages of the Maddagiri Taluk transferred to it from the Tumkur Taluk under the Dewan's Notification No. 136, dated 25th November 1882.
7. The hoblis of Budihal, Huliyar, Muddanahalli, Kandigere and Timmanahalli of the Chiknayakanhalli Taluk.
8. The Chitaldroog Taluk,
9. „ Pavagada „
10. „ Chellakere „
11. „ Holalkere „
12. „ Hiriyur „
13. „ Shimoga „
14. „ Shikarpur „
15. „ Sorab „
16. „ Honnali „
17. „ Davangere „
18. „ Channagiri „

STATEMENT OF OBJECTS AND REASONS.

1. The existing law on the subject of the administration of Local Funds in Mysore is contained in the Rules sanctioned by the Government of India and published under the late Chief Commissioner's Notification No. 110, dated the 4th July 1874. The rules provide for the formation of a District Committee in each District with the Deputy Commissioner as President and the Assistant Commissioners, the Executive Engineer and all Amildars in the District as *ex-officio* members; while a holder of an alienated village elected by holders of alienated villages and six land-holders appointed by the Government are to represent the non-official interests in the District. It is the duty of the Committee to provide for works calculated to promote the health, comfort and convenience of the inhabitants of the District. The funds at its disposal now consist of (1) a one anna cess on every rupee of all items of land revenue, of forest produce, of abkari and sayer collections, of the proceeds of saltpans, tolls and other contracts, (2) local ferry collections, (3) receipts under the Cattle-trespass Act, and (4) any sums of money which the Government may, from time to time, contribute.

2. In working these Committees it has been found difficult to awaken in the minds of the non-official members most interested in the administration of local funds, a full sense of their powers and duties, and the whole administration of the funds has practically fallen into the hands of Government officers. This is chiefly owing to the very large area over which the authority of the Committee extends, to the overwhelming preponderance of the official members and to the undefined and almost unlimited subordination of the Committees to Government officials in the administration of the funds. No provision is made in the rules to give the Committees an independent constitution, or to empower them to acquire or sell property, or to do any other acts necessary for the carrying out of the purposes of the Rules.

3. It is therefore proposed in this Draft Regulation to remedy these shortcomings by substituting for the District Committees two classes of Boards, one for each Taluk to meet purely local wants, and the other for each District for the discharge of functions in matters concerning larger areas. These Boards will have a corporate constitution, will be invested with definite duties and powers and will have a large degree of independence in the administration of the funds. The measure involves no new taxation, but restricts the levy of the one anna cess to a few definite items of revenue.

4. The principal provisions of the Draft Regulation are as follows :—

Chapter I deals with the necessary preliminary matter.

Chapter II provides for the constitution of both Taluk and District Local Boards, for the appointment and election of their members and Presidents and for the conduct of business. It is provided that the number of *ex-officio* members shall not exceed one-third of the Board. At first it will be necessary for Government to appoint all non-official members of Taluk Boards, but after a few years of practical working it may be found advisable to resort to the elective system, for which accordingly provision is made in the Draft. The non-official members of District Boards will, however, be all deligates from the Taluk Boards elected by such Boards. Sections 9—13 deal with the term of office of the members and their resignation or removal and provide for filling up casual vacancies. Section 14 provides for the incorporation of the Boards and gives them power to enter into contracts and to do all other things necessary for the exercise of their functions. Section 16 provides for the continuance of the rights and liabilities of the present District Committees and saves existing rules and orders regarding administrative details so far as they are consistent with the Regulation. The Deputy Commissioner and the Amildar must, for some years to come, be the Presidents of the District and Taluk Boards respectively. The employment of the officers and servants will rest with the Boards entirely, the Government simply prescribing a scale of establishment. Section 38 provides for the

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Chapter III relates to taxation and funds. Definite provision is made as to the manner which the one anna cess is to be assessed on alienated and unalienated lands. The only her items on which this cess is leviable are declared to be the Halat on areca-nut l the Excise revenue, the cess now levied on numerous other items being abolished. ' antage is taken of the present opportunity to consolidate the law relating to the levy tolls on public ferries, roads and bridges and the proceeds of tolls on roads and idges are transferred to the " Local Funds." Provision is also made for the division of nds between Taluk and District Boards so as to vest definite powers and duties in ch Board.

Chapter IV defines the duties of Local Boards. Subject to Government control be exercised in very exceptional cases these Boards have unlimited powers in matters of ernal administration. All matters of local interest, such as elementary education, minor ads and hospitals, the planting of topes and other works of purely local importance, will nder the immediate control of the Taluk Boards; while on the other hand the manage- ent of matters, in which larger interests are concerned, are vested in the District Boards.

As at present a definite proportion of Local Funds is set apart for elementary hools and it is proposed to vest the management of such schools in Taluk Boards aided, here necessary, by Village Committees.

Chapter V provides for Government control. Power is given to the District Officers, bject to the orders of Government, to interfere in exceptional cases in which the action of Board may be likely to lead to a breach of the peace or other serious public injury. rovision is also made for the supersession of a Board for persistent neglect of its uty, as well as for the submission of annual budget estimates, accounts and reports and r a proper audit of all accounts.

Chapter VI contains provisions regarding the execution of works by the Govern- ent Public Works Department at the instance of Local Boards such Boards must e unable to secure an executive agency so experienced and efficient as what is al- eady at the disposal of Government. While therefore the actual execution of works is ested in the Public Works Department, the sole power of initiating works, a large share, f the supervision of their execution and a voice in the disposal of contracts are given to Local Boards. Such a system of joint control and responsibility is expected to lead to orks of real local utility receiving the attention they deserve and to economy in their exe- ution It is a question whether works, the cost of which does not exceed a certain amount, may not be left to be executed by any agency at the discretion of the Local Boards. A provision of this kind can hardly be necessary so long as Local Boards have a voice in the disposal of contracts for the execution of all works.

Chapter VII deals with the Irrigation Fund. This fund was originally constituted for all settled Taluks by rules contained in the Survey Guarantees from time to time published. It is formed out of the collections of the one anna cess in everyrupee of wet as- sessment as fixed by the Survey and Settlement. It is a separate levy in all the Taluks settled before 1875, since which year it is merged in the survey valuation of all wet lands, Government giving, out of its revenue, a lump sum grant to the fund. The present rules provide for a fund for each District, but experience has shown that the amount to the credit of the fund in each District is always either more or less than what is required for the legitimate wants of that District. It is therefore proposed to form a Provincial Irrigation Fund out of the receipts from existing sources and to leave it to Government to fix, from time to time, the amount required for expenditure in each District. As the existing District Committees are entrusted with the administration of the fund in question, it is proposed to continue the same arrangement by empowering Government to

entrust to the Local Board of a District the portion of the Provincial Irrigation Fund allotted for expenditure in that District, to be administered by such Board under the rules relating to "Local Funds." If this arrangement is found to be inconvenient, either because the interests involved relate to an important item of the Government Land Revenue, or because the Local Boards have quite sufficient work in connection with the Local Funds the administration of which more legitimately vests in them, it is always competent to the Government to relieve the Local Boards of all duties connected with Irrigation.

Chapter VIII contains certain miscellaneous provisions, such as the acquisition of land by Government for Local Boards, recovery of revenue, mode of framing rules and criminal prosecutions.

5. All Heads of Departments will be invited to give their opinion on the proposed measure and the Draft Regulation will be published in the official Gazette for public information.

6. Reference is made in the Draft Regulation to the "Mysore Land Revenue Regulation," a draft of which has been prepared and will shortly be published.

K. SHESHADRI IYER,
Dewan of Mysore.